

REMARKS

Upon entry of the present amendment, claims 1-31 will have been canceled without prejudice or disclaimer and claims 32 through 37 will have been submitted for consideration by the Examiner.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections set forth in the outstanding official action. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicants note the Examiner's treatment of Applicant's response to the election requirement, filed on December 30, 2005. In this regard, Applicants note, with appreciation, the Examiner's decision to rejoin claims 27 and 26-31.

However, Applicants respectfully traverse the Examiner's decision to maintain the restriction requirement with respect to claims 16 and 17. In this regard, Applicants submit that such restriction requirement is inappropriate and improper at least based upon the reasons set forth in the above mentioned response of December 30, 2005. Accordingly, Applicants respectfully request reconsideration of the outstanding withdrawal of claims 16 and 17 from consideration on the merits in the present application.

Nevertheless, by the present response, Applicants have canceled claims 16 and 17 from the present application. However, such cancellation is expressly and explicitly made without disclaimer of the subject matter of claims 16 and 17 and without in any way, giving up the right to file a continuation/divisional application directed to the subject matter of these claims.

Applicants also note with appreciation the Examiner's indication that the Information Disclosure Statement filed in the present application, on December 27, 2001, has been considered by the Examiner.

Applicants additionally thank the Examiner for acknowledging their claim for foreign priority under 35 U.S.C. § 119 as well as for confirming receipt of the certified copy of the foreign priority document.

Applicants additionally respectfully thank the Examiner for accepting the drawings filed in the present application on November 23, 2005.

In the outstanding Official Action, the Examiner rejected claims 1-15 and 18-31 under 35 U.S.C. § 112, second paragraph. The Examiner asserted that the claims were indefinite for failing to particularly point out and distinctly claim to subject matter which Applicants regard as the invention. The Examiner additionally noted that the scope of these claims are unclear due to the presence of idiomatic errors.

By the present response, Applicants have canceled all of claims 1-15 and 18-31, thus rendering the above-noted rejection moot. Newly submitted claims 32 through 37 are clear and definite and accurately describe the features of Applicant's invention. Additionally, these claims are in full compliance with 35 U.S.C. § 112, second paragraph.

In this regard, in rewriting the claims, Applicants have eliminated all usages of the term "section" to eliminate any possible confusion arising therefrom.

In the outstanding Official Action, the Examiner rejected claims 1-15 and 18-31 under 35 U.S.C. § 102(e) as being anticipated by ABELOW (U.S. Patent No. 5,999,908). Applicants respectfully traverse the above noted rejection and submit that

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it is inappropriate with respect to the combination of features recited in Applicants' claims.

ABELOW relates to a customer based product design module. In particular, according to the features of ABELOW relationships can be built with individual customers and groups of customers throughout a product lifecycle. ABELOW gathers this information from customers and communicates such information to a vendor. ABELOW further constructs and transmits interactions to the customer communication system in the product and analyzes and reports customer information.

However, this is far different than the combination of features recited in Applicants' claims. In particular, Applicants' claims relate to a market research system that receives evaluation values for merchandise information and a personal profile that reflects customer preferences. The customer profile utilizes keywords and associated evaluation values that include positive scores which correspond to the number of times customers have indicated interest in merchandise information and negative scores corresponding to the number of times customers have not indicated interest in the merchandise information. According to the teachings of the present invention, an evaluation value for the merchandise information is determined based on the positive and negative scores in the personal profile. It is respectfully submitted that least the above-noted features of Applicants' invention as reflected in the combinations of features recited in the claims are not taught, disclosed nor rendered obvious by ABELOW.

ABELOW discloses conducting interactions between a customer and a customer designed product during product use by a customer based product design module.

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ABELOW further discloses delivering data to a vendor or to the customer design product, producing product modifications with the data and automatically storing an analysis related to the modifications that a particular customer desires. Customer based product design reports can then be delivered to the vendor. As a result, customer based product design recommendations are accumulated over the various stages of a product's lifecycle.

ABELOW relates to providing products to the market, conducting tests of new products and prototype products based upon customer suggestions related to improving the product. ABELOW focuses on areas such as customer demographics and profiles, electronic participation in workflow, product design by the customers, and determinations of what customer help and support are needed. However, ABELOW does not disclose or teach the market research system of the present invention including a search signal distributor, a reply signal processor, and a market research controller as recited in claim 32 and defining an embodiment of the present invention.

In setting forth the rejection, the Examiner asserts that the evaluation is disclosed by ABELOW at the column 33, lines 17-55. Applicants respectfully submit that the Examiner is incorrect. The evaluation discussed by ABELOW at column 33 relates to evaluation of "customer performance". However, that is not the type of evaluation recited and defined in the claims of the present invention.

ABELOW also does not disclose a personal profile, reflecting customer preferences. According to the teachings of the present invention, the personal profile recited in Applicants claim 32 has, associated therewith various keywords and evaluation values for the keywords and reflects customer preferences. The evaluation

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values comprise, for each keyword, a positive score that corresponds to the number of times customers have indicated interest in merchandise information with which the keyword is associated and a negative score corresponding to the number of times the customer has indicated no interest in the merchandise information. A personal profile, as recited in the combination of Applicants' claims is not taught, disclosed nor rendered obvious by the disclosure of ABELOW.

Accordingly, for each of the above-noted reasons and certainly for all of the above-noted reasons, it is respectfully submitted that Applicants' claims are clearly patentable over ABELOW, whether considered under 35 U.S.C. § 102 or even if considered under 35 U.S.C. § 103.

An action to such effect is respectfully requested in due course.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have canceled all of the pending claims and have resubmitted claims 32-37 for consideration by the Examiner. These claims have been prepared and so as to fully comply with 35 U.S.C. § 112, second paragraph.

In addition, Applicants have discussed the disclosure of the reference relied upon and have pointed out the significant and substantial shortcomings thereof with respect to the claims in the present application. Various features of the claims have been noted and the shortcomings of the relied upon reference with respect thereto have been pointed out. Accordingly, Applicants have provided a clear evidentiary basis for the patentability of all the claims of the present application and respectfully request an indication to such effect in due course.

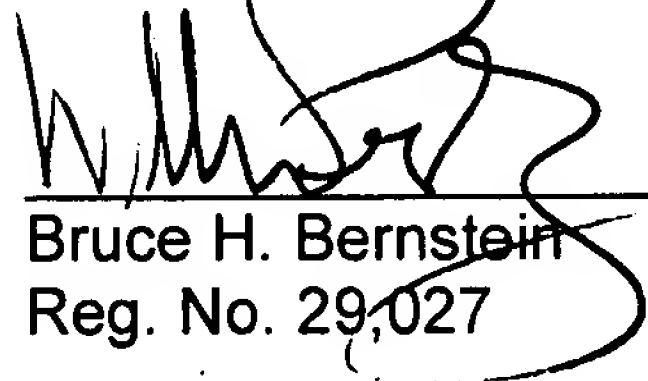
Accordingly, Applicants respectfully request reconsideration of each of the outstanding rejections together with an indication of the allowability of all the claims pending in the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Toshiki KINDO et al.



Bruce H. Bernstein  
Reg. No. 29,027

William Pieprz  
Reg. No. 33,630

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191